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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,488	01/07/2005	Motoki Kato	275873US6PCT	6535
22850 7590 07/12/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER TOPGYAL, GELEK W				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 07/12/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/520,488

**Applicant(s)**

KATO, MOTOKI

**Examiner**

GELEK TOPGYAL

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/19/2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-11 and 14-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-11 and 14-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Ashley et al. (US 6,584,273) and further in view of Hurvig et al. (US 6,507,592).

**Regarding claims 1, 9-10, 14, 16, 19 and 22**, the prior admitted art teaches an information processing device that decodes a multiplexed stream which includes a data stream constituted by a plurality of source packets each having a transport packet and

its arrival time stamp, and in which a second picture, which is the first picture of a second multiplexed stream, is connected to a first picture, which is the last picture of a first multiplexed stream so as to be reproduced seamlessly (page 3 of the specification teaches of two streams TS1 and TS2 that are multiplexes and are further desired to be reproduced seamlessly), comprising:

output means for outputting the source packets according to the arrival time stamp of the multiplexed stream (Fig. 1 teaches of a source depacketizer 113 capable of outputting the source packets according to the arrival time base of the source packet);

a video buffer for buffering video data included in the source packets; an audio buffer for buffering audio data included in the source packets (Fig. 1 teaches of buffering operations of TB1, MB1, EB1, TBn, Bn, TBsys and TBsys);

video decoding means for decoding the video data buffered in the video buffer; and audio decoding means for decoding the audio data buffered in the audio buffer (Fig. 1 teaches of decoders TB1, TBn and TBsys placed within overall decoder 120), wherein

The admitted prior art cites the need to have greater buffer capacity for the audio buffer. However, fails to particularly teach wherein: the audio buffer having a capacity capable of buffering the audio data corresponding to the time required for inputting the second picture to the video buffer.

In an analogous art, Ashley et al. teaches in col. 10, lines 32-40 of the ability to double the size of the buffer so that after a transition time of 1s, "only data in the STD buffer comes from a new sequence". Therefore, although not explicit, Ashley et al.

system audio buffer has enough capacity to buffer the audio data corresponding to the time required for inputting the "new sequence". It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability of Ashley into the admitted prior art so that audio and video production have be seamless.

The proposed combination of the admitted prior art and Ashley teaches the limitations as discussed above, however fails to particularly teach wherein the output means continues to output the source packets according to the arrival time stamp between a time T1 and a time T2, T1 being a time at which a last video packet of the first picture of the first multiplexed stream arrives at the video buffer and T2 being a time at which a last byte is input of remaining packets of the first multiplexed stream.

Although the admitted prior art and Ashley (as agreed upon by the applicants in page 12 of remarks filed 4/21/2010) teaches of outputting source packets between a time T1 and T2, fails to particularly teach that the outputting is according to the arrival time stamp.

In an analogous art, Hurvig et al. teaches in col. 4, lines 12-31 of an outputting means wherein packets are output according to a time stamp indicative of an arrival time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to output the source packets according to the arrival time stamp as taught by Hurvig et al. into the proposed combination of the admitted prior art and Ashley to allow the source packets to be output at predetermined timings.

Hurvig et al. discusses the need for outputting source packets at predetermined timings in col. 4, line 38-39.

**Regarding claims 2, 11, 15, 17 and 20**, as discussed in claims 1, 10, 12, 14, 16, 19 and 22 above, although not explicitly discussed, the condition of the equations are met since the audio buffer of Ashley et al. is able to buffer the audio data corresponding to the time required for inputting the "new sequence" into its' respective buffer.

**Regarding claims 3, 18 and 21**, as discussed in claims 1, 10, 12, 14, 16, 19 and 22 above, since the audio buffer of Ashley et al. is able to buffer the audio data corresponding to the time required for inputting the "new sequence" into its' respective buffer, the first set of data to arrive into its' respective buffer would be an I frame.

**Regarding claim 4**, Ashley et al. teaches the claimed in col. 11, lines 6-10.

**Regarding claims 5 and 6**, the admitted prior art recites the very same equations that set conditions for the multiplexed stream in pages 5-8 of the specification.

**Regarding claims 7-8**, the admitted prior art recites the claimed as discussed in claims 5-6 above and the claims ATC\_Delta is met by Tpp value in equation (2).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/  
Examiner, Art Unit 2621

/JAMIE JO ATALA/  
Primary Examiner, Art Unit 2621